

How the European Commission ensures transparency and balanced interest representation under the Common Agricultural Policy

Case opened

Case SI/2/2022/LDS - **Opened on** 10/02/2022 - **Decision on** 02/12/2022 - **Institution concerned** European Commission |

Ms Ursula von der Leyen

President

European Commission

Dear President,

As you are aware, in recent years I have examined the interactions between interest representatives with the EU administration generally and in specific areas. [1] I have also stressed the importance of appropriate stakeholder engagement in the design and implementation of policies. [2]

The climate crisis and environmental degradation are among the biggest challenges of our times. Agriculture is a key sector for the reduction of greenhouse gas emissions, the fight against biodiversity loss and the management of natural resources. The new Common Agricultural Policy (CAP), which was approved in November 2021, aims to reduce the environmental impact of farming. In the coming months, the new CAP will translate into concrete measures decided at EU level and implemented by national authorities.

The European Union is a world leader in policies to combat climate change. The ambitious proposals contained in the European Green Deal are evidence of this. In this context, the public needs to be reassured that upcoming decisions related to climate action and environmental protection are not unduly influenced by specific interests.

I therefore think it would be helpful if the Commission would explain how it is ensuring transparency and appropriate stakeholder engagement in relation to the CAP.



For this purpose, I would like to ask the Commission about the composition of Civil Dialogue Groups, the transparency of the approval process of the National 'CAP Strategic Plans', the transparency of the allocation of CAP funds, and the interactions between interest representatives and the Directorate-General for Agriculture and Rural Development (DG AGRI). I would be grateful if the Commission could reply to the questions set out in the annex by 31 May 2022 if possible.

Should the Commission require any further information or clarifications, contact can be taken with *Ms Leticia Díez Sánchez*.

Thank you for your cooperation on this important topic.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 10/02/2022

Annex: Ombudsman questions to the Commission in strategic initiative SI/2/2022/LDS

1) Civil dialogue groups (CDG) are the forum in which the European Commission interacts with stakeholders on matters relating to the Common Agricultural Policy. In own-initiative inquiry OI/7/2014/NF, [3] the Ombudsman proposed that DG AGRI should reflect on the fact that roughly 80% of the participants of the CDGs represent economic interests, compared to 20% for non-economic interests, as well as consider limiting the size of groups. In its follow-up reply to the Ombudsman's decision, the Commission stated that it strives to ensure a balanced representation in each CDG. Taking into account the fact that the member organisations had been appointed for a period of seven years and that the composition of the CDGs had just been established, the Commission considered that it was premature to review the decision setting up the CDGs at that stage. It indicated that "*it will be possible to take concrete actions with respect to these recommendations only by taking into account the experience that the Commission is certain to gather before the next appointment takes place. Moreover, the future horizontal rules on expert groups currently under preparation will also apply to these groups in the future . The Commission commits to continuing improving the CDGs in view of making the selection process as transparent and inclusive as possible*".

In advance of the appointment of the next Civil Dialogue Groups , how is the Commission planning to follow up on its commitment to guarantee that non-economic interests are adequately represented in the composition of the CDGs?

2) National 'CAP Strategic Plans' detail how Member States will reach the objectives of the CAP, including green targets. The Commission will soon assess the plans submitted by national



governments. There should be sufficient and timely transparency around the negotiations of the draft CAP Strategic Plans, given the public interest. In this regard, the Ombudsman welcomes the Commission's announcement that it will publish the observation letters addressed to the Member States. [4]

Could the Commission please explain what exchanges it intends to make public in the context of the approval of Member States' plans, and when?

3) To ensure transparency of the CAP, the public should have sufficient information about those who receive agricultural funds ('beneficiaries'). [5] Currently, national governments are responsible for collecting the data on fund recipients and make it available on a dedicated website. [6] The Commission makes available a compilation of the addresses of the respective websites of the Member States. We understand that the Commission must maintain and update this centralised website. [7] Some of the information provided by the Member States is, however, outdated or missing.

Does the Commission monitor the accuracy of the information displayed by the Member States in its centralised website and, if so, how? If not, would the Commission be prepared to do so?

4) The Commission proactively publishes the meetings that Commissioners and members of their Cabinet have with interest representatives. [8] Between 2020 and 2021, Commissioner Wojciechowski and his cabinet held a large number of meetings with industry representatives when compared with environmental organisations and other organisations like research institutions. The Ombudsman's *Practical recommendations for public officials' interaction with interest representatives* advises against interacting with a particular interest group without considering offering other groups a similar opportunity. [9]

Could the Commission explain how it provides sufficient opportunities for the various groups with an interest in the CAP to express their views with decision makers?

[1] See SI/7/2016/KR at <https://www.ombudsman.europa.eu/en/case/en/48404> [Link], 852/2014/LP at <https://www.ombudsman.europa.eu/en/case/en/43899> [Link], and OI/6/2021/LDS at <https://www.ombudsman.europa.eu/en/case/en/60425>.

[2] See SI/1/2017/KR at <https://www.ombudsman.europa.eu/en/doc/correspondence/en/76528> [Link] and SI/1/2018/KR at <https://www.ombudsman.europa.eu/en/doc/correspondence/en/91373>.

[3] <https://www.ombudsman.europa.eu/en/decision/en/60873> [Link].

[4] "Statement by Mr Janusz Wojciechowski, following vote by the European Parliament on the CAP reform", 23 November 2021, available at



https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_6250 [Link].

[5] See case 1782/2019/EWM at <https://www.ombudsman.europa.eu/en/decision/en/127631>.

[6]

https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/financing-cap/beneficiaries_
[Link].

[7] Article 62 of Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency available at <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32014R0908> [Link].

[8] Commission Decision of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals, available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.343.01.0022.01.ENG [Link].

[9] Available at <https://www.ombudsman.europa.eu/en/doc/correspondence/en/79435> [Link].